

TITLE 1
COURTS AND COURT OFFICIALS

CHAPTER 11
DISTRICT COURT REPORTERS

1-1101. STENOGRAPHIC REPORTER -- APPOINTMENT AND QUALIFICATIONS. There shall be appointed within and for each of the judicial districts of this state, by each district judge, a stenographic reporter who shall be well skilled in the art of stenography and capable of reporting the oral proceedings in court, verbatim.

[(1-1101) 1890-1891, p. 233, sec. 1; am. 1895, p. 69, sec. 1; reen. 1899, p. 163, sec. 1; reen. R.C., sec. 3980; am. 1911, ch. 40, sec. 1, p. 85; reen. C.L., sec. 3980; C.S., sec. 6556; I.C.A., sec. 1-1101.]

1-1102. OATH, BOND, SALARY AND EXPENSES -- COST OF LIVING ADJUSTMENTS. (1) Said reporter shall take the oath required to be taken by the judicial officers; and be bonded to the state of Idaho in the form and manner prescribed by [chapter 8, title 59](#), Idaho Code; and hold office during the pleasure of said judge. The salaries of district court reporters shall be paid on regular pay periods not less frequently than monthly as determined by order of the supreme court. The supreme court may, in its discretion, authorize a higher starting salary for any shorthand reporter who has been certified as either a certified shorthand reporter or registered public reporter and who has previous court reporting experience in another state.

(2) The supreme court shall establish and maintain, consistent with the provisions of this section and other applicable provisions of law, a personnel plan for district court reporters governing their appointment, promotion, classification, minimum qualifications, compensation, expenses, leave, transfer, lay-off, removal, discipline and other incidents of employment of those district court reporters. To the extent possible, the personnel plan shall recognize performance as measured by factors such as productivity, reliability, effectiveness and longevity.

(3) There shall be paid in addition to said salary, to each of the court reporters of the district courts, out of the state treasury, for each term of district court held by the judge thereof, for the trial and disposition of causes and the transaction of business under the laws of the state, in other counties than that in which said court reporter resides, actual and necessary expenses for traveling and attending each term.

[(1-1102) 1890-1891, p. 233, sec. 2; am. 1895, p. 69, sec. 1; reen. 1899, p. 163, sec. 2; am. 1907, p. 542, sec. 1; reen. R.C., sec. 3981; last sentence reenacted in substance 1915, ch. 98, sec. 2, p. 237; reen. C.L., sec. 3981; C.S., sec. 6557; am. 1923, ch. 116, sec. 1, p. 148; am. 1927, ch. 251, sec. 1, p. 416; I.C.A., sec. 1-1102; am. 1945, ch. 64, sec. 1, p. 82; am. 1949, ch. 255, sec. 1, p. 515; am. 1953, ch. 16, sec. 1, p. 34; am. 1953, ch. 86, sec. 1, p. 117; am. 1957, ch. 315, sec. 3, p. 673; am. 1961, ch. 324, sec. 1, p. 616; am. 1965, ch. 181, sec. 1, p. 379; am. 1967, ch. 355, sec. 1, p. 1003; am. 1969, ch. 191, sec. 1, p. 562; am. 1971, ch. 136, sec. 2, p. 522; am. 1972, ch. 282, sec. 2, p. 701; am. 1974, ch. 162, sec. 1, p. 1396; am. 1976, ch. 356, sec. 1, p. 1172; am. 1977, ch. 178, sec. 1, p. 459; am. 1978, ch. 185, sec. 1, p. 417; am. 1980, ch. 131, sec. 1, p.

291; am. 1985, ch. 173, sec. 1, p. 455; am. 1989, ch. 319, sec. 1, p. 826; am. 2008, ch. 33, sec. 1, p. 65.]

1-1103. RECORDING OF TESTIMONY -- WAIVER. The said reporter shall correctly report all oral proceedings had in said court and the testimony taken in all cases tried before said court, except the supreme court, by rule, may designate proceedings and testimony in said court that may be recorded by an electronic device in lieu of stenographic means. The parties may, with the consent of the judge, waive the recording by such reporter of any part of the proceedings or testimony.

[(1-1103) 1890-1891, p. 233, sec. 3; reen. 1899, p. 163, sec. 3; reen. R.C. & C.L., sec. 3982; C.S., sec. 6558; I.C.A., sec. 1-1103; am. 2002, ch. 96, sec. 1, p. 264.]

1-1104. FILING STENOGRAPHIC RECORDS AND REPORTS. The reporter shall file the stenographic records and reports made by him with the clerk of the district court of the county in which such report was taken and was tried.

[(1-1104) 1890-1891, p. 233, sec. 4; reen. 1899, p. 163, sec. 4; reen. R.C. & C.L., sec. 3983; C.S., sec. 6559; I.C.A., sec. 1-1104.]

1-1105. COPY OF RECORD -- EFFECT -- CHARGE FOR FURNISHING. 1. It shall be the duty of each reporter to furnish, upon order of the court entered upon written application being made therefor by any attorney of record in a suit, or any party to a suit, in which a stenographic record has been made, a type-written copy, or copies, of the record, or any part thereof, upon the payment by such attorney, or party, of the cost thereof, as provided in subsection 2. of this section, to such reporter, which payment shall be retained by the reporter as a part of his compensation and in addition to his salary allowed by section [1-1102](#), Idaho Code. Said copy, or copies, shall, when properly certified by said reporter, constitute prima facie the minutes of the court, and may be used on all motions for new trials, review or appeal, when the minutes of the court may be used; and the cost of which may, when the same is used on review or appeal, be charged as costs in a civil case against the party finally defeated in the action.

2. That in all actions such reporter shall charge and receive, and retain as provided in subsection 1. of this section, three dollars and twenty-five cents (\$3.25) per page for the transcript to be prepared in the style and with the number of copies as directed by rule of the supreme court; provided, however, that when such transcript is requested by a defendant or his attorney on an appeal in a criminal action where after conviction, it appears to the satisfaction of the district court that the accused is poor and unable to procure such transcript, the court must direct payment to such court reporter of the page charge in this subsection provided, from the county treasury.

[(1-1105) 1890-1891, p. 233, sec. 5; am. 1895, p. 69, sec. 1; reen. 1899, p. 163, sec. 5; am. 1907, p. 542, sec. 2; reen. R.C. & C.L., sec. 3984; C.S., sec. 656D; am. 1925, ch. 111, sec. 1, p. 157; I.C.A., sec. 1-1105; am. 1949, ch. 255, sec. 2, p. 515; am. 1951, ch. 210, sec. 1, p. 438; am. 1963, ch. 98, sec. 1, p. 316; am. 1973, ch. 171, sec. 5, p. 360; am. 1976, ch. 239, sec. 1, p. 832; am. 1980, ch. 292, sec. 1, p. 762; am. 1999, ch. 71, sec. 1, p. 193.]

1-1106. DELIVERY OF COPY. It shall be the duty of the reporter to deliver said copy within thirty days after being requested.

[(1-1106) 1890-1891, p. 233, sec. 6; reen. 1899, p. 163, sec. 6; reen. R.C. & C.L., sec. 3985; C.S., sec. 6561; I.C.A., sec. 1-1106.]

1-1108. DEPUTY AND ASSISTANTS -- APPOINTMENT, DUTIES AND COMPENSATION. When owing to the absence, vacation leave, sickness or other disability of the regular reporter, or when the business of the court demands it, the court may appoint a substitute or deputy court reporter to act in the place of the regular reporter during such absence, sickness or other disability of the regular reporter. Reporters shall accrue vacation leave and sick leave time and may take vacation leave time or sick leave time in the same manner as other employees of the court.

When in the opinion of the court, or of the judge thereof, the services of one (1) or more persons are required to assist in the making of transcripts of testimony, the court or judge may by order authorize the reporter to employ such persons as may be necessary to facilitate the work in order that transcripts may be prepared without delay. Such assistants shall be entitled to charge and receive for their services in the preparation of transcripts the fees allowed by law therefor, the same to be paid by the reporter from the money received by him for such work.

[(1-1108) 1899, p. 163; am. 1907, p. 542, sec. 3; reen. R.C., sec. 3987; am. 1915, ch. 41, sec. 1, p. 122; compiled and reen. C.L., sec. 3987; C.S., sec. 6563; I.C.A., sec. 1-1108; am. 1998, ch. 409, sec. 1, p. 1266.]

1-1109. TEMPORARY COURT REPORTER FOR RETIRED JUDGE HOLDING COURT. Should any retired district judge or justice of the Supreme Court hold district court in any county at the request of the district court thereof, or of the governor, or of the chief justice, and when any such request is made or approved by the chief justice, the administrative judge of the district shall appoint a temporary deputy court reporter for such justice or judge holding district court in compliance with and pursuant to the provisions of section [1-1108](#), Idaho Code. Such temporary deputy court reporter shall comply with all provisions of [chapter 11, title 1](#), Idaho Code, and shall receive such compensation as is authorized by order of the Supreme Court, together with travel expenses and subsistence expenses incurred while absent from the city of his residence, in accordance with the provisions of "The Standard Travel Pay and Allowance Act of 1949." Compensation shall be paid for the days such temporary deputy court reporter is actually engaged in performance of his duties; such temporary deputy court reporter shall also be entitled to charge and receive for services in the preparation of transcripts only the fees allowed by law therefor.

[I.C., sec. 1-1109, as added by S.L. 1967, ch. 101, p. 210; am. 1974, ch. 26, sec. 3, p. 804.]